

# **P L A N N I N G C O M M I S S I O N**

## **ACTION MINUTES**

**TUESDAY, JUNE 1, 2004**

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

### **1. ROLL CALL:**

Present, Commissioners: Gibson, Parsons, Frautschi, Dickenson, Long, Wozniak, Horton

Absent, Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), City Attorney Savaree (CA), Recording Secretary Flores (RS).

### **2. AGENDA AMENDMENTS None**

### **3. COMMUNITY FORUM (Public Comments) None**

### **4. CONSENT CALENDAR**

#### **4A. Planning Commission Minutes 5/4/04**

**MOTION: By Commissioner Frautschi, seconded by Commissioner Long, to accept the Minutes of May 4, 2004 as presented.**

**Ayes: Frautschi, Dickenson, Long, Horton, Wozniak, Parsons, Gibson**

**Noes: None**

**Motion passed 7/0.**

### **5. PUBLIC HEARINGS**

#### **5A. PUBLIC HEARING – 3280 Oak Court**

**To consider a Floor Area Exception to add 334 square feet of floor area to the existing 2,858 square-foot residence for a total of 3,192 square feet that is above the permitted zoning district maximum of 2,323 square feet for this site. (Appl. No. 04-0024)**

**APN: 043-221-230; Zoned: R-1B (Single Family Residential)**

**CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)**

**Applicant/Owner: David Vella**

PP de Melo summarized the staff report, recommending project approval subject to the conditions attached. Additional outreach information was provided to the Commission relative to the notice that was sent to the neighboring property owners informing them of the May 17th meeting, as well as photographs provided by the applicant of the side elevation. He also called attention to a correction to the Square Footage

Scattergram Chart that was attached to the staff report. The graphics at the top of that chart should be flipped – the one that says "existing" should say "proposed" and the one that says "proposed" should say "existing". Also, due to a Commissioner's question about the construction of the beam that would span the garage for the construction of the mezzanine area, staff has added the following Condition of Approval:

"Condition I.A.3. The minimum interior height for the garage level shall be 7' from floor to finished ceiling, clear of any beams, pipes or other projections. Plans submitted for project building permit shall illustrate compliance with this minimum interior clear height requirement."

C Horton asked if the original modifications were made by the applicant. PP de Melo replied that the applicants have stated that they were not the original owners of the home and that they did not build the unpermitted solarium. C Frautschi confirmed that the addition was there in 1994 when the house was on the market.

Responding to C Horton, PP de Melo stated that the current additions will not extend the footprint beyond the original footprint of the building.

David Vella, applicant/homeowner, stated that they are aware of the UBC and want to bring the entire house up to code. They hope to be rid of the solarium before the new rains come.

Chair Gibson opened the Public Hearing. No one came forward to speak.

**MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to close the public hearing. Motion passed.**

Vice Chair Parsons stated for the record that he was the one who made the inquiry to staff about the ceiling height in the garage because it appeared that if they put a beam under the floor it was going to be about 6'2". His concern was not so much for the size of the project but he didn't want to compromise the garage in any way. He also wanted to make sure that the supporting post was in the middle of the garage so that they could park two cars.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to adopt the Resolution approving a Floor Area Exception at 3280 Oak Court with the attached conditions and the additional condition I.A.3 as provided by staff.**

**Ayes: Parsons, Dickenson, Frautschi, Long, Horton, Wozniak, Gibson**

**Noes: None**

**Motion Passed 7/0**

Chair Gibson noted that the item may be appealed to the City Council within ten days.

## **6. NEW BUSINESS**

### **6A. Request for Extension of Approvals – Conditional Use Permit, Variance, Design Review, MHA of San Mateo County – 800 F Street.**

PP de Melo summarized the staff report, noting that the Commission approved the project for the Mental Health Association of San Mateo County on March 18, 2003, and a building permit has not yet been issued for the project. PP de Melo stated that the applicant is very close to completing all of the required items to obtain building and grading permits for the project, and, based on the information provided in the staff report, staff believes an extension is warranted.

C Frautschi asked why extensions are not handled on the Consent Calendar. CDD Ewing responded that it's been the practice in Belmont that decisions of the Commission are typically not on Consent but up for discussion. The advantage would be that if no one pulled it a staff report would not be required.

Melissa Platt, Executive Director of MHA, stated that they are doing well and invited the Commission to the groundbreaking ceremony scheduled for June 10th. She added that they have received a loan from the State of California HCD, which is the final piece in their funding process.

**MOTION: By Commissioner Frautschi, seconded by Commissioner Long, to close the public hearing. Motion passed.**

**MOTION: By Commissioner Frautschi, seconded by Commissioner Long, to adopt the Resolution approving an extension of a Conditional Use Permit, Variance and Design Review at 800 F Street, with conditions as attached. (Application No. 02-0048)**

**Ayes: Frautschi, Long, Dickenson, Horton, Wozniak, Parsons, Gibson**

**Noes: None**

**Motion Passed 7/0**

**At CDD Ewing's request, the Commission agreed to hear item 8 at this time.**

## **8. REPORTS, STUDIES, UPDATES AND COMMENTS**

### **8A. Notre Dame de Namur Working Group – Appointment of Planning Commission Representative**

C Frautschi gave an overview of the makeup and goals of the Notre Dame de Namur Working Group, and stated that he put the item on the agenda as he felt it appropriate for the Commission to consider appointing a new member to the group. Vice Chair Parsons agreed to accept the appointment; CDD Ewing will forward his name to the City Council.

### **8B. Other Items**

Chair Gibson attended the last Council meeting and noticed that the Commission liaison was not there. C Long stated that he watched it live on television and could have been there in two minutes if required. Vice Chair Parsons suggested that Council be asked if they want to have a representative there at every meeting so that that issue can be clarified.

Referring to the "ghastly" budget situation presented at the Council meeting, Chair Gibson suggested that he would be willing to do without his \$25 check, and if each Commissioner wanted to do that it would amount to about \$3500 per year. He suggested that Commissioners communicate with CDD Ewing if they are willing to do that and if it is unanimous, that would be something that they could offer to the situation, provided it is legal. CDD Ewing stated that it is awkward and should be a Commission decision arrived at a public meeting. He felt that it since the Council is willing to pay them it shows that they believe their resources are well spent, adding that it is intended to cover expenses and is not a salary.

Responding the C Wozniak, CDD Ewing stated that video tapes of City Council meetings may be purchased from the City Clerk for \$10, or may be viewed in her office. The re-run schedule is also available from the Clerk's office and may be on the web site.

CDD Ewing informed the Commission that Joe Cyr, Building Official, had submitted a letter of resignation, and will be leaving at the end of June to join the City of Burlingame.

PP de Melo asked the Commissioners who have not already done so to let staff know of upcoming vacation schedules so that they can determine if there is a benefit to canceling any meetings.

Agenda Item 9, Liaison to City Council Meeting, should be corrected to say June 8th.

Commissioners asked for staff for status reports on the following:

(1) 150 Old County Road – mechanic shop that was discussed in emails with staff.

(2) Building on Holly that had been built without permits and then was not built with correct setbacks, and yet was checked off.

(3) Stop sign on Chula Vista at Escondido that is hidden by Oak tree and street writing is faded out.

## **7. STUDY SESSION**

### **7A. Tree Protection**

At the request of the Planning Commission, Parks and Recreation Director Karl Mittelstadt (PRD) had been invited to the meeting to describe the City's tree protection and removal policies. He gave an overview of the Department's procedures and answered questions from the Commission regarding permits for tree removal, maintenance of trees and medians, volunteer efforts to plant trees, Davey Glen Park trees, punitive measures for trees that are felled without permits, etc. Of particular interest to the Commission was his comment that funds paid into the City's recently established Tree Fund is intended to be used for planting new trees and maintaining irrigation systems. He feels that this fund will be a way to fund the addition of trees and irrigation on Ralston Avenue from Cipriani down the hill.

At 8:10 p.m. Chair Gibson called for a recess. The meeting resumed at 8:20 p.m.

City Arborists Walter Levinson had previously submitted an excerpt from his 2004 consulting proposal, describing the tree preservation protocol he developed and utilizes for the City of Belmont, as well as answers to previously prepared questions. He responded to additional questions from the Commission, some of which were as follows:

*How could the City's Tree Ordinance be strengthened?* He feels that the City does not have enough power to enforce the ordinance as it currently stands. Other cities give multiple persons the power to cite contractors if they are violating any part of the tree ordinance, and in some cases they require weekly inspections. Also, he suggested that a system is needed to create value to the trees that are being protected at the beginning of the project so that if a tree is damaged, an appropriate percentage of the value could be charged as the mitigation fee and donated to the Tree Fund. Another issue is that at times the utility requirements from Public Works are in conflict with what he would prefer – i.e., the trenching is required to be at a certain grade level and sometimes falls within the drip line. He realized this is not within his power to control.

*What are his recommendations for replacement plantings?* He recommended that the Commission look at the 2003 Tree Ordinance on the Los Gatos website.

*How is the replacement value of trees determined?* Discussion ensued regarding value of replacement trees. PRD Mittelstadt stated that the City does not currently have a fee schedule for replacement value of trees but that it will be forthcoming.

*How should the Commission evaluate an arborist report provided by an applicant?* He suggested that the Registered Consulting Arborist is the most qualified.

*What is the best source for recommendations on tree selections for specific zones?* He referred to a new East Bay Mud publication that last year was entitled "Landscape Plants and Trees for Western Regions." He will e-mail the new title to CDD Ewing.

He also elaborated on why it is important to plant a wide variety of different species and varieties of trees and why he discourages use of the Coast Redwood trees. With regard to the digital photos he has been including in his reports, staff will consider what should be done to archive the originals for the City. He agreed to try for better clarity on the applicant's drawings.

C Frautschi expressed concern about the condition of Redwood trees on Ralston near El Camino. PRD Mittelstadt stated that they were fertilized 6 months ago and it is now beginning to take effect. The trees at the Caltrans station and on El Camino are also distressed due to a lack of nutrients but are the responsibility of Caltrans. CDD Ewing will call the trees to the attention of a Caltrans Planner.

Chair Gibson thanked Mr. Levinson for his presentation.

## **9. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY,**

**JUNE 8, 2004.**

Liaison: Commissioner Horton

Alternate Liaison: Commissioner Dickenson

## **10. ADJOURNMENT:**

The meeting adjourned at 9:20 p.m. to a regular meeting on June 15, 2004 at 7:00 p.m. at the Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review*

*in the Community Development Department*

*Please call (650) 595-7416 to schedule an appointment.*